



Response to Press Recognition Panel (PRP) on the effectiveness and independence of press regulation 2022/23

This is the response from the Liberal Democrats DCMS team to the PRP's public call for information and views on the effectiveness and independence of press regulation, launched in November 2022. If you need to get in touch with us on this submission, please contact balermpan@parliament.uk

1. The Liberal Democrats have been consistent in their belief that the UK press should be subject to independent oversight, and that the system advocated by Sir Brian Leveson ten years ago is the appropriate framework both to curb press abuses and protect press freedom as an essential part of a functioning democracy. The Liberal Democrats supported the legislation which brought into effect the Leveson system of independently audited self-regulation and the accompanying incentives to join a recognised regulator that were an integral part of the system.
2. Section 40 of the Crime and Courts Act 2013 was designed precisely to provide those incentives. However, the government has refused to commence this clause, and indeed has indicated that it plans to repeal that provision altogether, thereby removing any incentives for publishers to join a recognised regulator. We argued in our last submission in December 2021 that this would leave the Leveson framework fatally flawed, and fails to recognise the enormous progress that has been made in establishing a recognised regulator, Impress, that currently regulates over 100 publishers.
3. In the absence of any incentivisation, however, the majority of national and regional news publishers – including those implicated in breaches of ethical codes during the Leveson Inquiry – have created the Independent Press Standards Organisation (IPSO) which has refused to apply for recognition and fails to meet over two thirds of the Leveson criteria for independent and effective regulation.¹
4. In more than eight years of operation, IPSO has not launched a single standards investigation. An independent report concluded 18 months ago that, having been launched by the major publishers to evade proper scrutiny, IPSO “is deliberately constrained by the newspaper industry from acting as an effective, independent regulator that can uphold professional standards and command public respect.”² As

¹ <https://inform.org/2019/10/16/new-report-ipso-five-years-on-fails-to-satisfy-25-out-of-38-leveson-recommendations/>

² <https://westminsterresearch.westminster.ac.uk/item/v4zx8/ipso-regulator-or-complaints-handler-how-uk-news-publishers-set-up-their-own-regulator-to-avoid-scrutiny>

a result the interests both of victims of press abuse and the vast majority of working journalists committed to upholding standards are compromised. A stark example of IPSO's impotence was the recent misogynistic and repugnant article in the Sun by its columnist Jeremy Clarkson, which we understand has generated over 20,000 complaints (and was taken down after four days by the newspaper following almost universal condemnation). While we appreciate the need not to prejudice any outcome from the complaints process, the article's approval and publication is testament to the weakness of IPSO oversight, especially since – according to one very experienced editor – the offending column was “ok'd to be published probably by at least two senior editors....”.³

5. Even the complaints process appears to be dictated more by the interests of the industry than of complainants. A Hacked Off report which analysed IPSO complaints in 2020 found that it took an average nearly 6 months for IPSO to rule on complaints and that just 0.3% were upheld in full. There was not a single front page correction demanded by IPSO, and on average the length of code-breaching articles was seven times the length of corrections.⁴
6. It is therefore clear that we lack an independent, transparent and effective system of accountability for the press, and that the current framework is not working because the government has compromised one of its key planks. In the absence of any incentives, we therefore repeat our conclusion from last year that the PRP should follow Leveson's recommendation and call for a backstop form of regulation.

Press Regulation and the Online Safety Bill:

7. The PRP in its call for information rightly states that the Online Safety Bill currently going through Parliament “could be a vehicle to create a level playing field for all news publishers and create a coherent system setting clear basic standards, transparently overseen by the uniquely independent Press Recognition Panel.” It goes on to state, also correctly, that “the draft Bill as published fails to take this opportunity, and it risks adding further complexity to the mix”.
8. We agree that the OSB is a unique opportunity to create a level playing field amongst platforms and publishers. We would also point out the irony of the government bringing forward proposals for what is effectively audited self-regulation of online speech via tech platforms, exactly as Leveson proposed for offline speech via print publishers. Even if the task of overseeing such regulation were given to Ofcom rather than the PRP – which would arguably be consistent with Ofcom's duty to regulate broadcasters – we would still have a consistent regime of

³ <https://eleanormills.substack.com/p/eleanors-comment-clarkson-and-meghan>

⁴ <https://hackinginquiry.org/wp-content/uploads/2022/03/IPSO-report-2020.pdf>

monitoring harm whether the vehicle be tech platforms, news publishers (both on and offline) or broadcasters.

9. As currently drafted, however the Bill contains a serious anomaly in allowing for news publisher exemptions from its provisions, despite continuing evidence of press abuse and harm to news consumers. While broadcasters must be regulated by Ofcom to qualify for these exemptions, non-broadcast news publishers need only comply with a few vaguely worded criteria: having a standards code and a complaints process (both unspecified), and having both an office and staff. A recent government change to the Bill that requires platforms to consult publishers before removing content (a “must carry” provision) magnifies that anomaly.
10. There is no logic in requiring broadcasters – whose journalism is the most trusted in the UK – to be subject to a statutory regulator in order to qualify for these exemptions while print and online publishers – whose journalism is amongst the least trusted – are subject to virtually no oversight. As currently drafted, these exemptions will entrench the absence of any accountability for powerful newspaper groups.
11. The PRP offers a route to consistency in treatment across all publishers that protects free speech both online and offline. It simultaneously offers a route, through the OSB, to providing incentives for news publishers to join a self-regulator that is recognised by the PRP as being both independent and effective, as per the Leveson criteria. By replacing the vague criteria for qualification as a news publisher with a simple requirement that news publishers must belong to a recognised regulator in order to access these exemptions, the Bill would provide a powerful incentive for publishers that would potentially vitiate the need for section 40 of the Crime and Courts Act. It would also protect the interests of news consumers who can be confident that editorial and complaints codes are being independently scrutinised for powerful news publishers as well as powerful tech platforms.
12. The Liberal Democrats will be supporting an amendment to the OSB to that effect. We urge the PRP to make its own representations to government along these lines, both as guardians of a free and independent press and as custodians of an effective regulatory system that prevents abuse of editorial codes.
13. As Parliamentarians we want to ensure that the regulatory framework is fit-for-purpose, truly independent, and reflects the needs of our times in protecting individual citizens, as well as protecting robust and independent journalism and our democratic institutions. We cannot have legislation once again leaving powerful national newspaper publishers entirely unaccountable and free to continue their abuses of editorial standards under the bogus pretext of defending a free press. The OSB is an opportunity to put that right.